

In the United States Court of Federal Claims

No. 19-1497C
(Filed: January 28, 2020)

ORDER OF DISMISSAL

On November 26, 2019, the court issued an order (Doc. No. 13, attached) which required the plaintiff to file a response to the defendant's motion to dismiss by December 13, 2019. On January 8, 2020, the court filed a second order (Doc. No. 14, attached) directing the plaintiff to file his response by January 15, 2020 in order to proceed with his case, and that failure to respond could result in dismissal of his case for failure to prosecute under to Rule 41(b) of the Rules of the United States Court of Federal Claims ("RCFC").

A review of court records indicates that plaintiff has not yet responded to the defendant's motion to dismiss. The above-captioned case is therefore **DISMISSED** under RCFC 41(b) without prejudice for failure to prosecute. The Clerk of the Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.


NANCY B. FIRESTONE
Senior Judge

In the United States Court of Federal Claims

No. 19-1497C

(Filed: November 26, 2019)

ROJAS-VEGA,

Pro Se Plaintiff,

v.

THE UNITED STATES,

Defendant.

**ORDER DENYING NEGATIVE INFERENCE AND SCHEDULE FOR
RESPONSE TO THE MOTION TO DISMISS**

Plaintiff filed a motion on November 12, 2019 (Docket No. 10) asking the court to draw a negative inference against the defendant from the government's failure to produce documents. A negative inference can be drawn based on the spoliation of evidence during discovery. Now pending before the court is the government's motion to dismiss for lack of subject matter jurisdiction and for failure to state a claim (Docket No. 11). The motion for a negative inference is premature pending the outcome of the government's motion. The plaintiff's motion to draw a negative inference is **DENIED**.

The plaintiff shall have until **Friday, December 13, 2019** to file a response to the government's motion to dismiss.

IT IS SO ORDERED.



NANCY B. FIRESTONE
Senior Judge

In the United States Court of Federal Claims

No. 19-1497C

(Filed: January 8, 2020)

ROJAS-VEGA,

Pro Se Plaintiff,

v.

THE UNITED STATES,

Defendant.

O R D E R

On November 25, 2019, the United States filed a motion (Doc. No. 11) to dismiss the plaintiff's complaint in the above-captioned case. On November 26, 2019, the court issued an order which required the plaintiff to file a response by December 13, 2019 (Doc. No. 13).

A review of court records indicates that plaintiff has yet to respond to United States' motion to dismiss his complaint. Plaintiff shall have until **Wednesday, January 15, 2020** to respond to the United States' motion to dismiss. Should plaintiff fail to respond, the court will dismiss the above-captioned case for failure to prosecute pursuant to Rule 41(b) of the Rules of the United States Court of Federal Claims.

IT IS SO ORDERED.



NANCY B. FIRESTONE
Senior Judge